



C.R.P.No.4178 of 2025
and C.M.P.No.21476 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.R.P.No.4178 of 2025
and C.M.P.No.21476 of 2025

H.Kumari

... Petitioner

Vs.

R.Navaneetham (Deceased)

1.R.Chandra Sekaran

2.R.Rajendran

3.R.Venkatesan

4.R.Kannan

5.P.Prema

6.R.Sugnathi

7.K.Sundari

8.V.Latha

9.Mekala

10.S.Aruna

11.The Manager,

City Union Bank Limited,

Mandaveli Branch, Chennai - 600 028.

12.The Manager,

The Tamil Nadu State Co-operative Bank,

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South Mada Street, Mylapore,
Chennai - 600 004.

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the adjudication dated 30.06.2025 in I.A.No.4/2024 in O.S.No.5002/2019 pending on the file of the I Additional Judge, City Civil Court, Chennai.p

For Petitioner : Mr.S.Varnesh

ORDER

The present Civil Revision Petition has been filed challenging the adjudication early proceedings order passed by the Court below dated 30.06.205 in I.A.No.4/2024 in O.S.No.5002/2019 pending on the file of the learned I Additional Judge, City Civil Court, Chennai. Originally, the suit in C.S.No.622/2012 has been filed by one R.Navaneetham, R.Chandra Sekaran, R.Rajendran, R.Venkatesan, R.Kannan, P.Prema and H.Kumari as plaintiffs as against the defendants seeking the relief of partition and other reliefs. Subsequently the said suit in C.S.No.622/2012 came to be transferred to the Court below on the point of pecuniary jurisdiction and thereafter, it was renumbered as O.S.No.5002/2019. The



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seventh plaintiff / H.Kumari has filed an application in I.A.No.4/2024 in O.S.No.5002/2019 seeking the relief of transpose her as defendant in the suit from the seventh plaintiff in which the Court below has passed the adjudication which reads as follows :

"I.A./4/2024 23-01-2025 **Order Passed : Adjournment:**
Stage: IA/EA Pending/CMP Pending/CRP Pending/CMA
Pending

Sub Stage :-

Party Name :

*Business : I.A.No.4/24 is pending, call on 20.03.2025. I.A.No.4/24
AOS filed and recorded. Petitioner counsel is present. Postal*

cover

*of R2 to R5, R6, R9, R10. Served, called absent. No representation
set exparte. Postal cover R2 to R5, 12, 13. Postal cover returned as
in sufficient address. Fresh notice to R2 to T5, R12, R13 by
20.03.2025.*

I.A./4/2024 16-06-2025 **Order Passed : Adjournment:**
Stage: IA/EA Pending/CMP Pending/CRP Pending/CMA Pending
Sub Stage :-

Party Name :

*Business: I.A.No.4/24 is pending, call on 30.06.2025. I.A.No.4/2024
- Suomotto reopened. Upon perusal of the records, notice to R2 to
R5 are not served on them nor their counsel, Hence Suomotto
reopened. Notice of hearing with copies to the counsel for R2 to R5
and counter call on 30.06.2025.*

OS/5002/2019 30-06-2025 **Exhibit :**



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Order Passed : Adjournment:
Stage: IA/EA Pending/CMP Pending/CRP Pending/CMA Pending
Sub Stage :-
Party Name :
Business :
Exhibit :

IA/4/2024 30-06-2025 **Order Passed : Adjournment:**
Stage: IA/EA Pending/CMP Pending/CRP Pending/CMA Pending
Sub Stage :-"

2. The learned counsel appearing for the revision petitioner would submit that the Court below failed to consider the adjudication passed in the earlier proceedings in respect of I.A.No.4/2024 having completed the service to the respondents 2 to 6 and they did not appear in the Court to the date either themselves or through pleader. The Court below also failed to note that having set *ex parte* order passed against the respondents 2 to 6 on 23.01.2025 and without any application by either, they *suo motto* ordered again notice to the respondents 2 to 6 is highly contrary to law. The learned counsel further submitted that the Court below simply adjudicated the matter without any progress even though the respondents appeared in other interlocutory applications, which are pending before the court below. Only I.A.No.4/2024 alone is pending for



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adjudication on the stage of issuance of notice to the respondents 2 to 5.

Therefore, prays that it is suffice to dispose of the application in a time bound manner.

3. It is seen from the records, the Court below on 16.06.2025 observed that on perusal of the records, notice to the respondents 2 to 5 are not served and no counsel appeared and hence *suo moto* reopened and again ordered notice of hearing with copies to the counsel for respondents 2 to 5 and for filing counter posted on 30.06.2025. Thereafter, on 25.06.2025 it has been observed that notice of hearing with copies to the counsel for the respondents 2 to 5 and adjourned to 14.07.2025.

4. It is seen from the records that the first plaintiff in the suit / R.Navanitham is aged about 72 years in the year 2012. It seems that the suit is pending more than 10 years for adjudication. Upon considering the submission made by the learned counsel appearing for the revision petitioner, for the reasons stated in the affidavit in the interest of justice, this Court is inclined to issue a direction to the court below to dispose of



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WEB COPY the I.A.No.4/2024 in O.S.No.5002/2019 as expeditiously as possible preferably within a period of two months on merits in accordance with law.

5. With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

03.09.2025

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

M.JOTHIRAMAN, J.



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mtl

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